



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

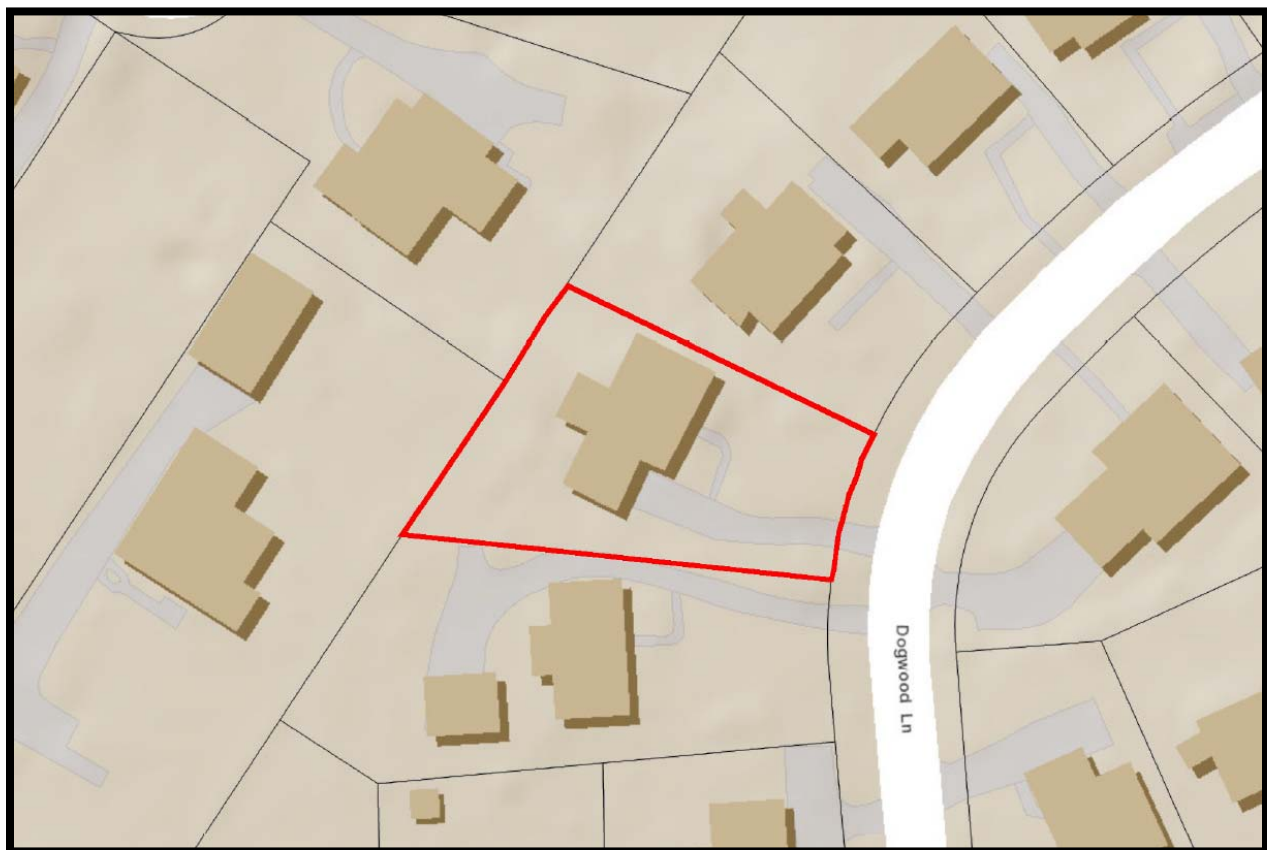
Case File: A-91-17

Property Address: 1409 Dogwood Lane

Property Owner: Matthew and Katherine Boes

Project Contact: John C. Sanders

Nature of Case: A request for a 3.7' rear setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance to both legalize a portion of the existing detached house and construct an addition to the rear of the existing detached house that results in a 26.3' rear setback on a .3 acre parcel zoned Residential-4 and located at 1409 Dogwood Lane.

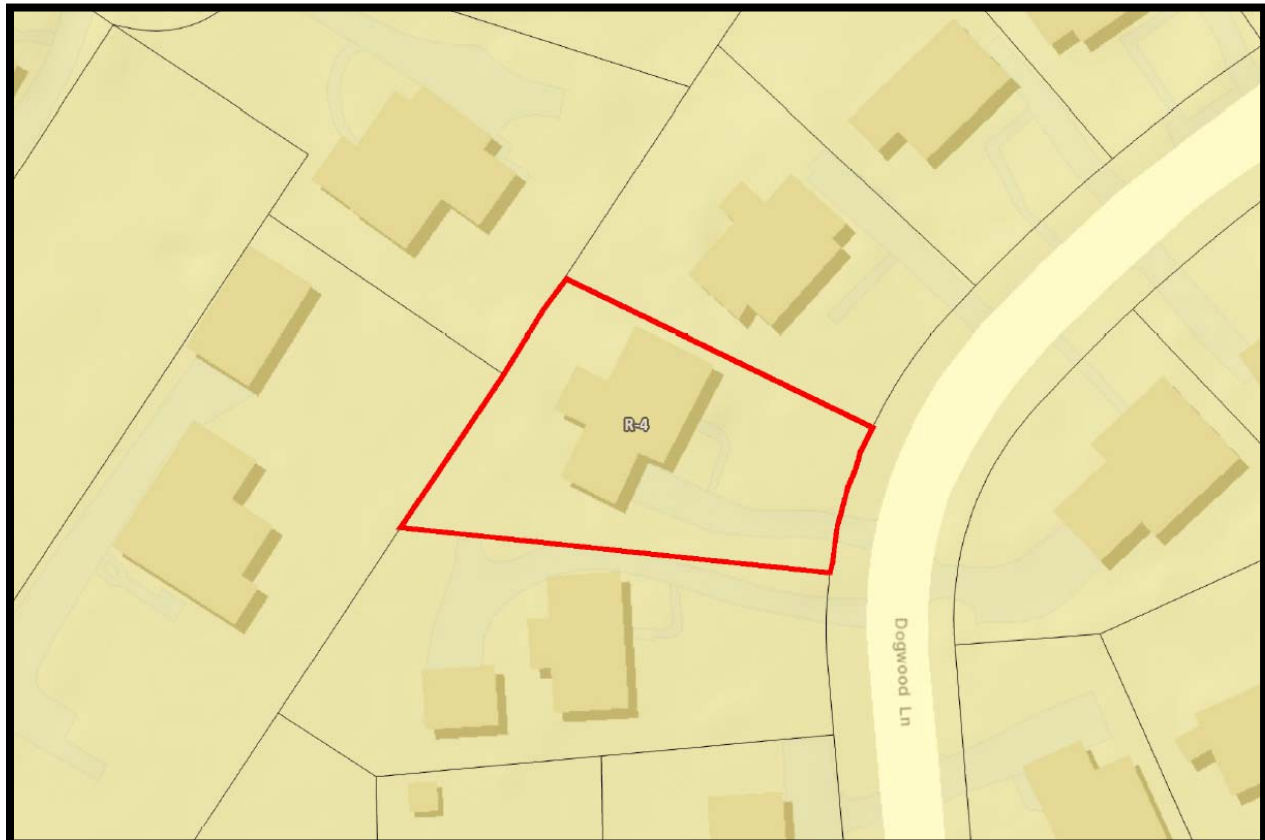


1409 Dogwood Lane – Location Map

To BOA: 7-10-17

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential-4



1409 Dogwood Lane – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential-4

Lot Dimensions

Area (min)	10,000 SF
Width – interior lot (min)	65
Width – corner lot (min)	80'
Depth -	100;'

<u>Yard Type</u>	<u>Minimum Setback</u>
Primary Street	20'
Side Street	15'
Side	10'
Sum of Sides	20'
Rear	30'

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): See attached	Transaction Number A-91-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION			
Property Address 1409 Dogwood Lane		Date 6-9-17	
Property PIN 0794482504	Current Zoning R-4		
Nearest Intersection Churchill		Property size (in acres) .30	
Property Owner Matthew and Katherine Boes	Phone 919-995-5339	Fax NA	
Owner's Mailing Address 1409 Dogwood Lane, Raleigh, NC 27607		Email Kate.Boes@gmail.com	
Project Contact Person John C. Sanders	Phone 919-218-0883	Fax NA	
Contact Person's Mailing Address PO Box 10429, Raleigh, NC 27605		Email john@johncsanders.com	
Property Owner Signature	Email Kate.Boes@gmail.com Mboes@raleighnc.org		
Notary Sworn and subscribed before me this 9th day of June, 2017	Notary Signature and Seal exp. 8/27/2020 		

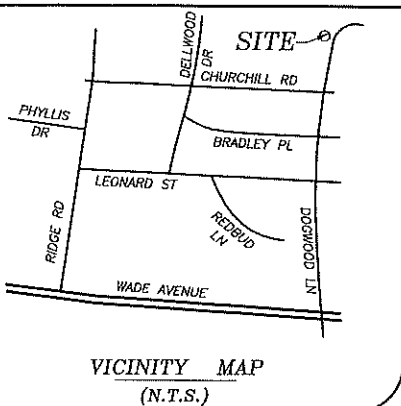
Addendum to Variance Application for 1409 Dogwood Ln. (Matthew and Katherine Boes)

Matthew T. Boes and Katherine Boes ("Applicants") respectfully request a variance from the 30-foot rear lot line setback requirement of the R-4 District ("Setback Requirement") for the purpose of legalizing a slight encroachment by the existing home and of obtaining approval to construct an addition to the rear of their home that would likewise encroach minimally into the setback area. The portions of the property at issue are: (i) the existing deck and pergola area, where the Applicants propose to construct an addition to their home (the "Improvement Area"), and (ii) a small corner of the existing home adjacent to the Improvement Area. The Applicants have owned the property since February 2010, and the footprint of their home, including the Improvement Area, has remained the same since that time. A copy of a site plan for the property is included with the application (the "Site Plan"), along with a survey showing the existing conditions.

As the Site Plan and survey reveal, the irregular shape of the lot creates a rear lot line setback that angles across the rear yard and does not align with the orientation of the existing home on the lot. As a result, setback line approaches the home as one moves from left to right along the rear lot line, which causes a small splinter of the existing home and a larger, but still small, splinter of the Improvement Area to encroach into the setback area. The existing home encroaches into the rear-yard setback area by only one foot at the point of maximum encroachment, which narrows to zero as one moves southwardly along the rear of the home. If the rear lot line were only slightly less angled, then this minimal encroachment would not exist.

In addition to legalizing the minor existing encroachment, the Applicants also desire to make improvements to their home within the Improvement Area (the "Improvements"), as shown on the Site Plan and in the plans and elevations submitted with the application. The Improvement Area is designated on the Site Plan as "PROPOSED ADDITION." The Improvements involve removing the existing deck and pergola and replacing them with enclosed space within the home. The proposed Improvements are consistent with the existing footprint of the home and location of the existing deck and pergola, and they would align with the existing exterior wall of the home immediately adjacent to the proposed Improvements. The proposed addition would encroach into the rear-yard setback area by 3.7 feet at the point of maximum encroachment, which would narrow to nearly zero as one moves southwardly along the rear of the home. As a result, there would be only 57 square feet of encroachment. If the rear lot line were less angled by approximately four feet, then this minimal encroachment would not occur.

In summary, unnecessary hardship would result from the strict application of the Setback Requirement because it will prohibit the Applicant from making improvements within the existing footprint of its home and deck area. In addition, the requested variance is consistent with the spirit, purpose and intent of the ordinance because the existing encroachment has existed for many years without creating hazards to the public safety. The encroachment of the proposed Improvements is minimal and is necessary to align the proposed Improvements with the existing home. The proposed Improvements are in keeping with the character of other adjacent structures and, therefore, not a threat to public safety and welfare. The proposed Improvements will not have any negative impact on adjacent property owners. In fact, denial of the variance would result in minimal public benefit, while harming the Applicants' interests and their property. For these reasons, the Applicants respectfully request that the two proposed variances be allowed.



FLOOD CERTIFICATION

THIS WILL CERTIFY THAT THE SUBJECT PROPERTY
() IS or (X) IS NOT located in a SPECIAL FLOOD HAZARD AREA
as determined by the Department of Housing and Urban
Development, or as shown on the FLOOD INSURANCE RATE MAP.

370243 0794 J
COMMUNITY # PANEL SUFFIX

PROFESSIONAL LAND SURVEYOR

SCALE



(IN FEET)

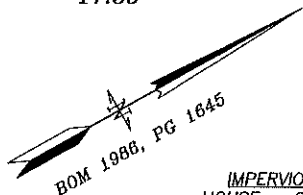
1 inch = 30 ft.

N/F FREDERICK H. &
FABIAN G. THORNHILL
D.B. 3391, PG 64

LOT 8
BOLTON LAND
BOM 1987, PG 383

L1 N 36°49'56" E
102.88'

L2 N 37°00'00" E
17.35'



IMPERVIOUS AREA	
HOUSE	2,245 SQ.FT.
DECK	365 SQ.FT.
PATIO/WLK	610 SQ.FT.
STOOP	60 SQ.FT.
PLAYSET	25 SQ.FT.
WATER F.	160 SQ.FT.
R.WALLS	260 SQ.FT.
DR/WALK	1,245 SQ.FT.
TOTAL	4,970 SQ.FT.
	37.6% IMPERVIOUS

LEGEND

- EXISTING IRON PIPE
- NEW IRON PIPE
- NAIL FOUND
- × COMPUTED CORNER
- POWER BOX
- TELE
- CATV
- ☆ LIGHT POLE
- UTILITY POLE
- FIRE HYDRANT

NOTE:

THIS PROPERTY DOES NOT LIE WITHIN
2000' OF A N.C.G.S. MONUMENT.

THIS SURVEY IS OF AN EXISTING PARCEL
OR PARCELS OF LAND.

UTILITIES SHOWN ARE FOR REPRESENTATION
ONLY AND NOT TO BE USED FOR
PROPERTY LINE LOCATION

ALL CREEKS, EASEMENTS, BUFFERS,
FLOOD LIMITS & SETBACKS TAKEN
FROM BOM 1986, PG 1645.

C1 R=175.00'
L=61.27'
Delta=20°03'32"

S 07°02'38" E 224.23'
TIE TO THE CENTERLINE
INTERSECTION OF
CHURCHILL ROAD &
DOGWOOD LANE

LOT 4

LOT 5
CHURCHILL WOODS
13,230 SQ.FT.
0.30 ACRES

DOGWOOD LANE
(50' R/W)

I, Jeffrey H. Davis, PLS, certify this map was drawn under my supervision from an actual survey made under my supervision;
and that the error of closure as calculated by latitudes and departures is 1/10,000+; that the boundaries not surveyed
are shown as broken lines plotted from information found in Book —; Page —; that this map was prepared in
accordance with G.S. 47-30 amended.

Witness my original signature, registration number and seal this
20TH day of DECEMBER 2016.

Signed

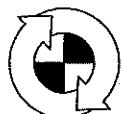
Jeffrey H. Davis

Seal



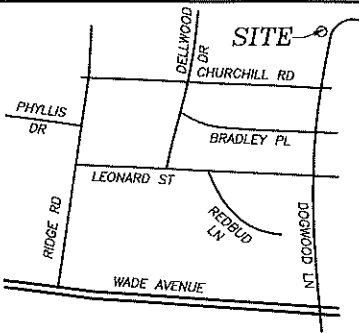
REVISED TO SHOW SETBACKS (6-8-2017)

C.N. = 24740 B.O.M. 1986 PAGE 1645 CO. REG.	MATTHEW T. BOES KATHERINE FERGUSON BOES	
	LOT 5 CHURCHILL WOODS 1409 DOGWOOD LANE RALEIGH NORTH CAROLINA	
	DATE: 12-20-2016	DWG. NO. A-21051
	SCALE: 1' = 30'	



TURNING POINT
SURVEYING PLLC

4113 JOHN S. RABOTEAU WYND
RALEIGH, NORTH CAROLINA 27612
FAX (800)948-0213 PH (919)781-0234
License No: P-0121



VICINITY MAP
(N.T.S.)

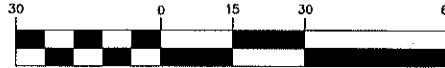
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Jeffrey H. Davis, PLS
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SCALE



(IN FEET)

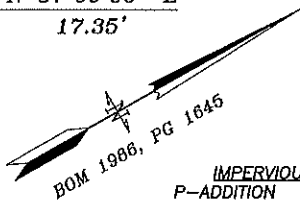
1 inch = 30 ft.

N/F FREDERICK H. &
FABIAN G. THORNHILL
D.B. 3391, PG 64

LOT 8
BOLTON LAND
BOM 1987, PG 383

ALL CONSTRUCTION SHALL BE IN
ACCORDANCE WITH ALL CITY OF RALEIGH
AND NCDOT STANDARDS AND SPECIFICATIONS

L1 N 36°49'56" E 102.88'
L2 N 37°00'00" E 17.35'



LEGEND

- EXISTING IRON PIPE
- NEW IRON PIPE
- NAIL FOUND
- × COMPUTED CORNER
- POWER BOX
- TELE
- CATV
- ☆ LIGHT POLE
- UTILITY POLE
- ⦿ FIRE HYDRANT

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PROPERTY LINE LOCATION

ALL CREEKS, EASEMENTS, BUFFERS,
FLOOD LIMITS & SETBACKS TAKEN
FROM BOM 1986, PG 1645.

IMPERVIOUS AREA
P-ADDITION 370 SQ.FT.
P-STOOP 80 SQ.FT.
E-HOUSE 2,245 SQ.FT.
E-PATIO/WLK 610 SQ.FT.
E-PLAYSET 25 SQ.FT.
E-WATER F. 160 SQ.FT.
E-R.WALLS 260 SQ.FT.
E-DR/WALK 1,245 SQ.FT.
TOTAL 4,995 SQ.FT.
37.8% IMPERVIOUS

R=175.00'
C1 L=61.27'
Delta=20°03'32"

LOT 4

S 07°02'38" E 224.23'
TIE TO THE CENTERLINE
INTERSECTION OF
CHURCHILL ROAD &
DOGWOOD LANE

SPLIT RAIL &
WELDED WIRE
FENCE

FENCE CROSSES
PROPERTY LINE 3.7'

PLAYSET

WATER FEATURE

FIREPLACE

RETAINING
WALL (TYP)

STONE PATIO

BRICK WALK

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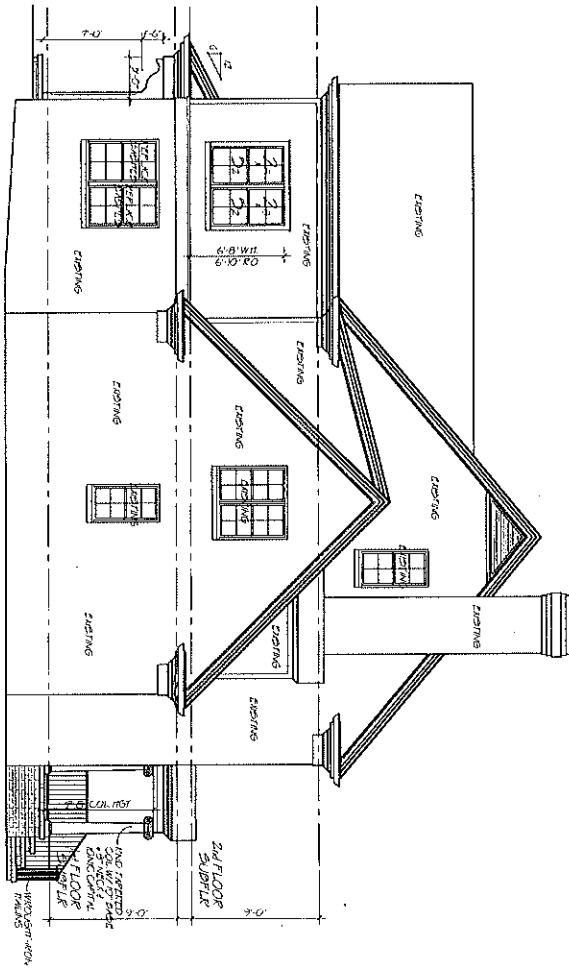
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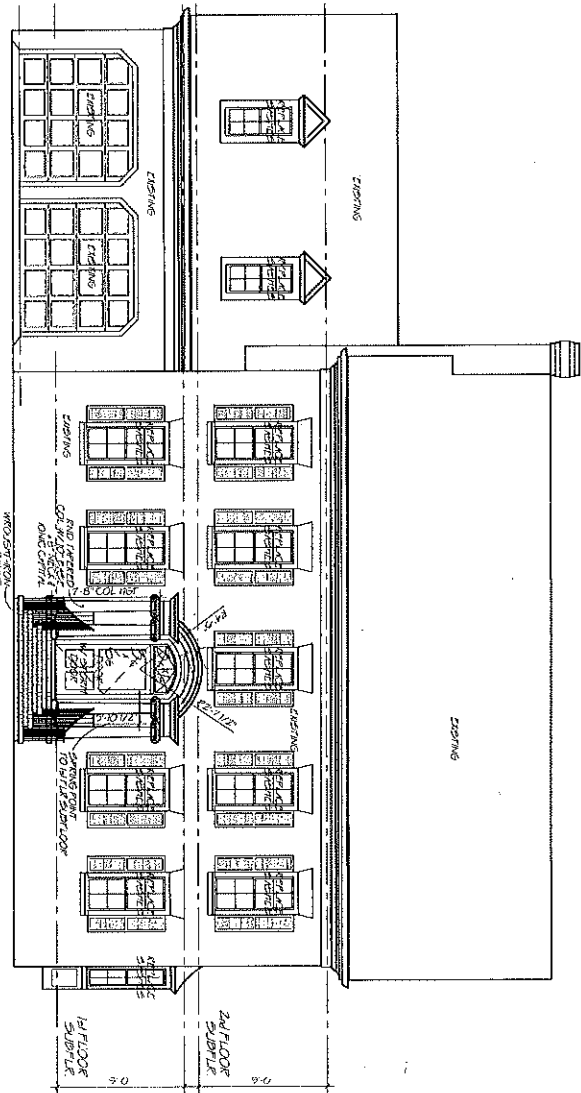
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LEFT SIDE ELEV.
SC 1/4"=1'-0"



FRONT ELEVATION
SC 1/4"=1'-0"



Additions & Renovations for:
Matt & Kate Boes

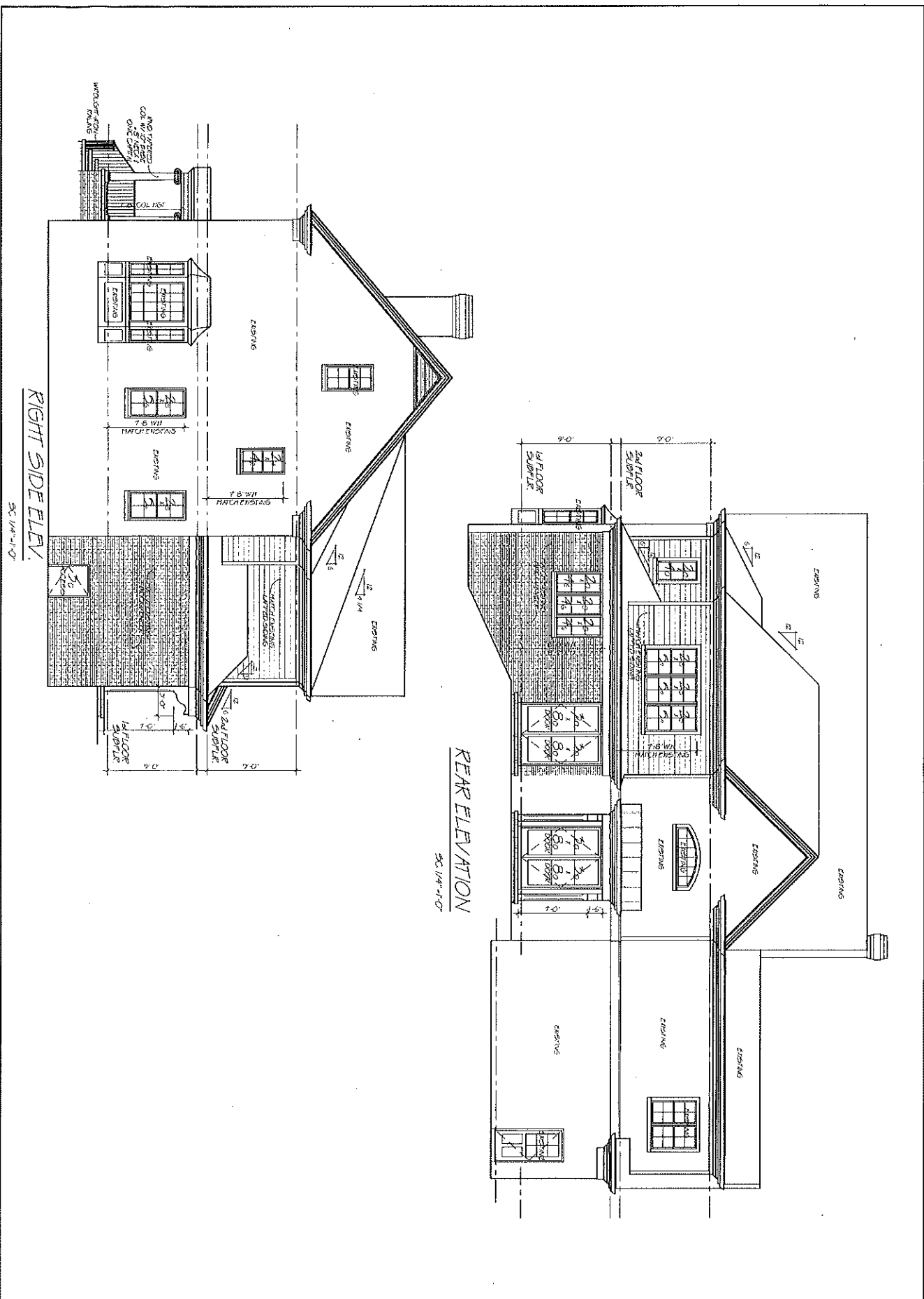


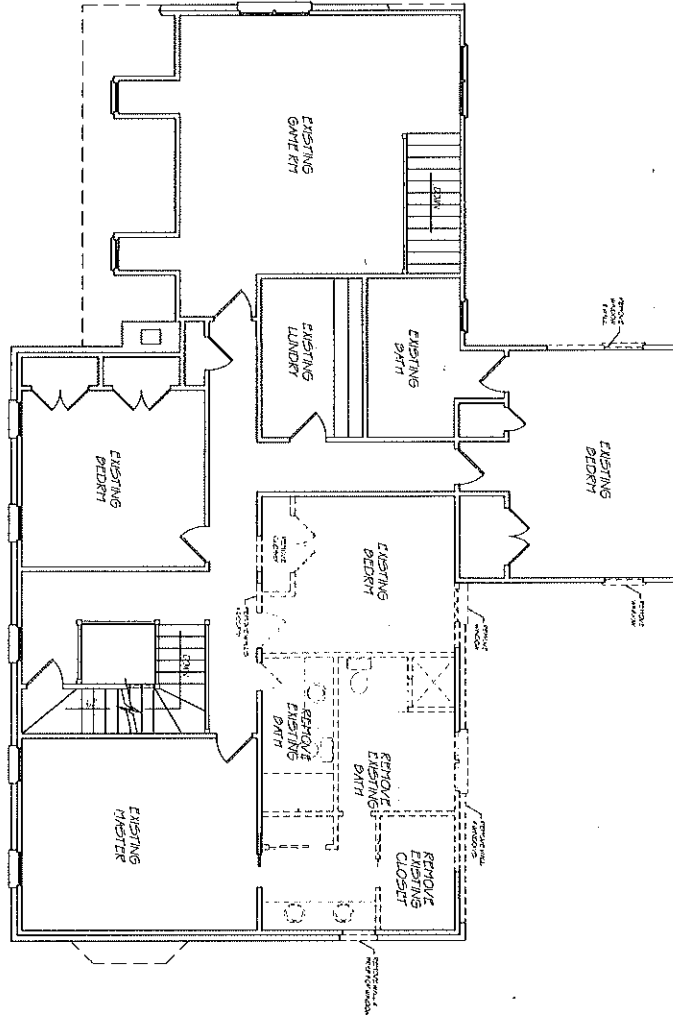
Carter Skinner
Residential Designs

2677 Abbot Avenue
Suite 200
Raleigh, NC 27604
(919) 821-2000

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Project Name	2677 Abbot Avenue
Client Name	Matt & Kate Boes
Project Number	2677
Project Date	1/2/2007
Project Status	2/2/2007





SECOND FLOOR DEMOLITION PLAN

SC 144-1-0

Additions & Renovations for:
Matt & Kate Boes



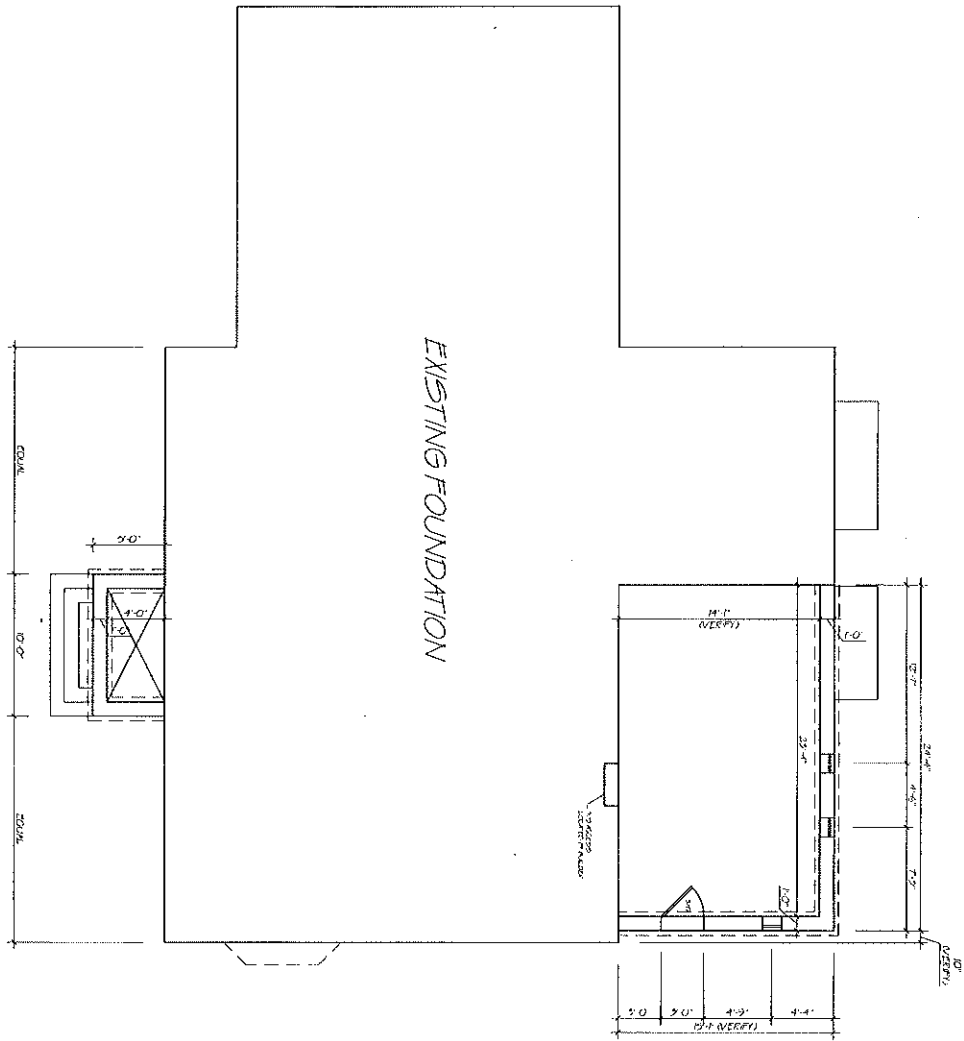
Carter Skinner
Residential Designs

2609 Maple Avenue
Suite 202
Kirkland, NC 27604
(919) 221-2500

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DATE	2014-11-07
BY	CS
CHECKED	CS
APPROVED	CS
SCALE	AS SHOWN

2014-11-07



FOUNDATION PLAN
20' 0" x 10' 0"

Additions & Renovations for:
Matt & Kate Boes



Carlor Skinner
Residential Designs

2479 Albion Avenue
Suite 200
Raleigh, NC 27604
(919) 821-2500

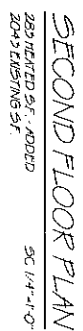
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PROJECT NO.	2020-01
DATE	12/20/20
BY	CS
CHECKED BY	CS
DATE	12/20/20

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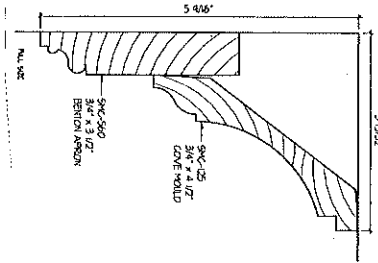


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Center for Strategic
Residential Design
Start 1/25/07
APV 2/15/07

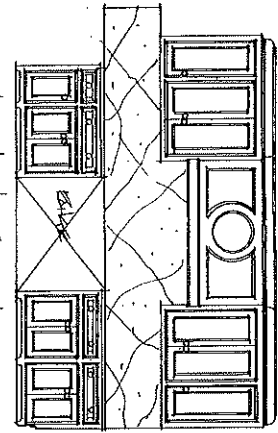


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Carter Skinner
Residential Division
Date: 10/25/00
By: JVA/JS

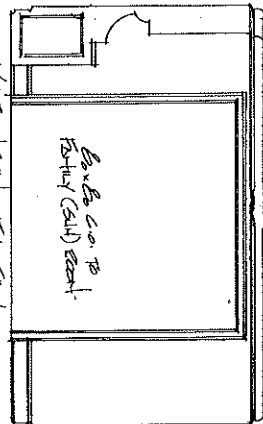




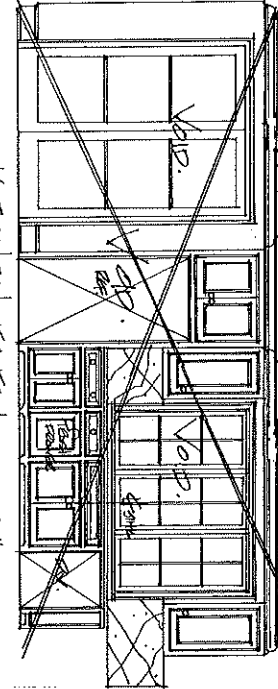
KITCHEN ELEV. 12/10/10



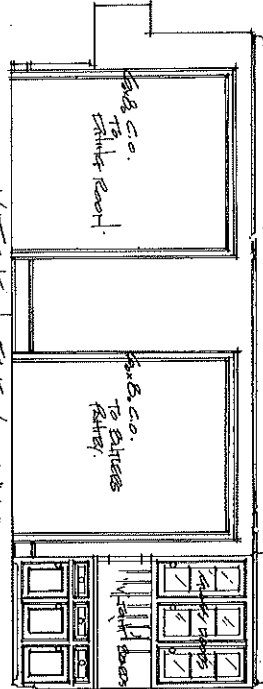
KITCHEN ELEV. 12/10/10



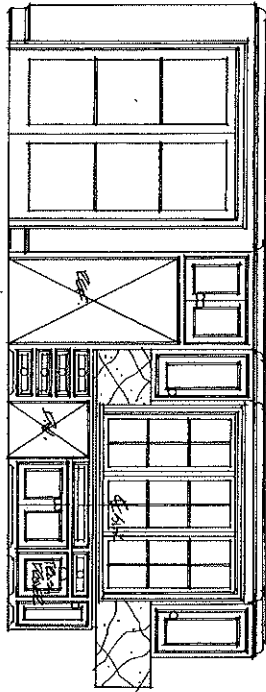
KITCHEN ELEV. 12/10/10



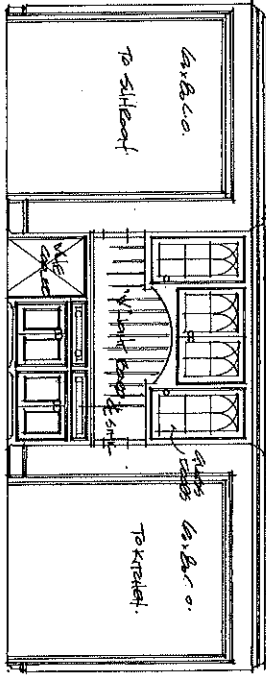
KITCHEN ELEV. 12/10/10

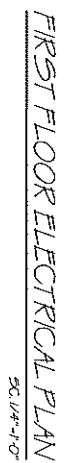


KITCHEN ELEV. 12/10/10

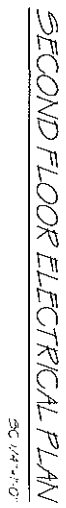


ENTRANCE FRONT ELEV. 12/10/10





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Carter Strong
Real Estate Division
STAFF 1/22/17
Date 1/22/17
REV. 2/15/17



ADJACENT PROPERTY OWNERS

Elton and Linda Parker
1405 Dogwood Lane
Raleigh, NC 27607

William and Parula Corkey
1413 Dogwood Lane
Raleigh, NC 27607

Fredrick and Fabian Thornhill
3418 Churchill Road
Raleigh, NC 27607

Sherra and John Blackburn
3401 Elvin Court
Raleigh, NC 27607

Adjacent + others 100 feet

Richard and Nancy Rendleman
1417 Dogwood Lane
Raleigh, NC 27607

Shelley Eason
3400 Elvin Court
Raleigh, NC 27607

Fredrick and Fabian Thornhill
3418 Churchill Road
Raleigh, NC 27607

Machenry and Kathryn Schafer
1408 Dogwood Lane
Raleigh, NC 27607

Whitney and Lucian Rowe
1404 Dogwood Lane
Raleigh, NC 27607

Matthew and Caroline Birckhead
3312 Churchill Road
Raleigh, NC 27607

Reid and Laura Russell
3408 Churchill Road
Raleigh, NC 27607

Burton and Heather Craige
3044 Churchill Road
Raleigh, NC 27607

Bruce and Jane Sharpe
3400 Churchill Road
Raleigh, NC 27607

John Ehrenberger and Elizabeth Wood
3316 Churchill Road
Raleigh, NC 27607